

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

In re:

**Robert Lee Ellis and Beverly Hobbs Ellis**

S.S. Nos.: xxx-xx-7468 and xxx-xx-1447

Mailing Address: 341 Winchester Road, Rougemont, NC 27572-

**Case No. 10-82128**

Debtors.

**NOTICE TO CREDITORS AND PROPOSED PLAN**

The Debtors have filed for relief under Chapter 13 of the United States Bankruptcy Code on November 19, 2010.

The filing automatically stays collection and other actions against the Debtors, Debtors' property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtors' proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: December 10, 2010

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s John T. Orcutt

John T. Orcutt  
N.C. State Bar No. 10212  
Counsel for the Debtors  
6616-203 Six Forks Rd.  
Raleigh, N.C. 27615  
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

# CH. 13 PLAN - DEBTS SHEET (MIDDLE DISTRICT - DESARDI VERSION)

Date: 7/11/10

Lastname-SS#: Ellis-7468

## RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN

Creditor Name	Sch D #	Description of Collateral
Yamaha		

## SURRENDER COLLATERAL

Creditor Name	Description of Collateral

## ARREARAGE CLAIMS

Creditor Name	Sch D #	Arrearage Amount	(See †)
Yamaha			**
			**
			**
			**
			**
American Home Mortgage		\$541	**
			**
			**
			**

## REJECTED EXECUTORY CONTRACTS/LEASES

Creditor Name	Description of Collateral

## LTD - DOT ON PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS

Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
American Home Mortgage		\$541	N/A	n/a	\$541.00	Residence
			N/A	n/a		
			N/A	n/a		
			N/A	n/a		

## STD - SECURED DEBTS - a FMV

Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
American General		\$20,690	5.00	\$207	\$417.65	non-residence
Beneficial 2nd			5.00			Mobile Home and Land
Beneficial 3rd			5.00			Residence
			5.00			Residence

## STD - SECURED DEBTS - a 100%

Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
Wells Fargo Dealer		\$11,263	5.00	\$112	\$227.35	2005 Ford Mustang
American Honda		\$3,544	5.00	\$30	\$71.54	2007 Honda Shadow Motorcycle
			5.00			
			5.00			
			5.00			

## ATTORNEY FEE (Unpaid part)

Law Offices of John T. Orcutt, P.C. \$2,800

## SECURED TAXES

IRS Tax Liens Secured Amt

Real Property Taxes on Retained Realty \$1,003

## UNSECURED PRIORITY DEBTS

IRS Taxes Amount

State Taxes

Personal Property Taxes

Alimony or Child Support Arrearage

CO-SIGN PROTECT (Pay 100%) Int. % Payoff Amt

All Co-Sign Protect Debts (See\*)

GENERAL NON-PRIORITY UNSECURED Amount\*\*

DMI= None(\$0) \$9,099

## PROPOSED CHAPTER 13 PLAN PAYMENT

\$ 1,523 per month for 60 months, then

\$ N/A per month for N/A months.

Adequate Protection Payment Period: 2.54 months.

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Monthly 'Adequate Protection' payment amt.

† = May include up to 2 post-petition payments.

\* Co-sign protect on all debts so designated on the filed schedules.

\*\* = Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan\_MD\_(DeSardi Version 1/12/10) LOJTO

## Other Miscellaneous Provisions

Plan to allow for 3 "waivers". Interest on EAE at fed. judgment rate

## **CERTIFICATE OF SERVICE**

I, Kaelyn McCollum, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II  
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

**All the creditors set forth on the mailing matrix filing in this case.**

/s Kaelyn McCollum  
Kaelyn McCollum

North Carolina Department of Revenue  
c/o NC Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629

US Attorney's Office (ED)\*\*  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461

Credit First  
6275 Eastland Road  
Brookpark, OH 44142-1399

Employment Security Commission  
Attn: Benefit Payment Control  
Post Office Box 26504  
Raleigh, NC 27611-6504

America Honda Motors  
1220 Old Alpharetta Road  
Attn: Managing Agent  
Alpharetta, GA 30005

Internal Revenue Service (MD)\*\*  
Post Office Box 21126  
Philadelphia, PA 19114-0326

Credit Bureau  
Post Office Box 26140  
Greensboro, NC 27402

American General Finance\*\*\*\*  
4015 University Drive  
Ste J  
Attn: Managing Agent  
Durham, NC 27707-2548

Law Offices of John T. Orcutt  
6616-203 Six Forks Road  
Raleigh, NC 27615

NC Child Support  
Centralized Collections  
Post Office Box 900006  
Raleigh, NC 27675-9006

American Home Mortgage \*\*  
Post Office Box 660029  
Attn: Managing Agent  
Dallas, TX 75266-0029

Lowe's/GEMB  
Attn: Bankruptcy Department  
P.O. Box 103104  
Roswell, GA 30076

Equifax Information Systems LLC  
P.O. Box 740241  
Atlanta, GA 30374-0241

BB&T  
Post Office Box 1847  
Wilson, NC 27894

North Carolina Department of Re  
c/o Reginald S. Hinton  
Post Office Box 25000  
Raleigh, NC 27640-5000

Experian  
P.O. Box 2002  
Allen, TX 75013-2002

Beneficial  
Post Office Box 4153  
Attn: Managing Agent  
Carol Stream, IL 60197

North Carolina Dept of Revenue\*  
Post Office Box 1168  
Raleigh, NC 27602-1168

Trans Union Corporation  
P.O. Box 2000  
Crum Lynne, PA 19022-2000

Beneficial  
Post Office Box 5233  
Attn: Managing Agent  
Carol Stream, IL 60197-5233

Person County Tax Collector  
105 South Main Street  
P.O. Box 1701  
Roxboro, NC 27573

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Road, Ste. 100  
Woodbury, MN 55125

Capital One \*\*\*  
Post Office Box 30285  
Salt Lake City, UT 84130-0285

Sallie Mae Financial \*\*  
300 Continental Drive Ste. 1S  
Newark, DE 19713-4339

Internal Revenue Service (ED)\*\*  
Post Office Box 7346  
Philadelphia, PA 19101-7346

Credit Bureau of Greensboro\*\*  
Post Office Box 26140  
Greensboro, NC 27402-0040

Sears/Citibank\*\*  
PO Box 6286  
Sioux Falls, SD 57117-6282

US Attorney's Office (MD)\*\*  
Middle District  
Post Office Box 1858  
Greensboro, NC 27502-1858

Walmart  
C/O GE Money Bank  
Attn: Bankruptcy Dept.  
P.O. Box 103104  
Roswell, GA 30076

Wells Fargo Dealer Services\*\*\*  
Post Office Box 168048  
Attn: Managing Agent  
Irving, TX 75016-8048

Yamaha  
c/o Retail Services  
Post Office Box 703  
Attn: Managing Agent  
Wood Dale, IL 60191-0703